

**REMARKS/ARGUMENTS**

Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested in view of the herein contained remarks and is believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Official Action he provided, and for the acknowledgment of Applicant's claims for priority under 35 U.S.C. §119 and receipt of the certified copy of the priority document.

Turning to the merits of the action, the Examiner rejected claims 17, 23, 25, 29, 30 and 31 under 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling.

In this regard, the Examiner asserts in the outstanding Official Action mailed on October 19, 2005 that the newly added matter "without accessing the monitoring apparatus" is not found in the specification. Applicant submits that support for this feature may be found in Applicant's specification. For example, paragraph [0057] of Applicant's specification states that the sender terminal 50 checks whether a notification message includes an abnormal condition (ST1603) during standby (ST1601), upon receiving an abnormality notification mail from the receiver terminal 40 (ST1602). Paragraph [0059] of Applicant's specification sets forth that, in accordance with the content of the notification, the status information 67 of the one-touch button/speed dial number registration table 64 is set (ST1610), and control returns to standby (ST1601). Paragraph [0060] of Applicant's specification indicates that the sender terminal 50 determines whether one of the one-touch buttons/speed dial

P21060.A05

numbers is used at ST 1701, when an operation for designating a transmission destination is started during standby of ST 1601 (ST1611), and if the answer is "YES", it is checked whether the status information of the one-touch button/speed dial number registration table 64 indicates an abnormal condition (ST 1703).

Accordingly, Applicant submits that at least these recitation portions of Applicant's specification disclose that a transmitting apparatus checks status information of a receiving apparatus stored in the memory without accessing a monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Thus, Applicant submits the feature of "without accessing the monitoring apparatus" is fully supported by the specification.

Therefore, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §112, first paragraph rejection of claims 17, 23, 25, 29, 30 and 31.

The Examiner rejected claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C. §102(e) as being anticipated by MUKAIYAMA et al. (U.S. Patent No. 6,631,407). The Examiner also rejected claims 22, 25, 27, 28 and 32 under 35 U.S.C. §103(a) as being unpatentable over MUKAIYAMA et al. in view of AMIT et al. (U.S. Patent No. 6,259,538). Applicant respectfully traverses both grounds of rejection.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus that communicates with a receiving apparatus. According to a disclosed embodiment of the present invention, the receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting

P21060.A05

apparatus comprises a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further comprises a controller that checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

With respect to the rejection of claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C. §102(e), Applicant respectfully submits that MUKAIYAMA et al. relate to a device management system in which, when printing device 10 detects a change of its own status, printing device 10 transmits, to management server 20, an SNMP trap message indicating that such a status change has occurred. Management server 20 transmits, to client device 30, a packet notifying the status change. Client device 30 transmits a screen data request to management server 20. Management server 20 retrieves, from MIB database 150, various values corresponding to selected printing device 10 and transmits, to client device 30, the retrieved values.

Applicant submits that MUKAIYAMA et al. fail to disclose (or even suggest) a transmitting apparatus in which a memory is configured to store status information of the receiving apparatus.

In this regard, the Examiner argued in the Advisory Action, that issued prior to the present Official Action, that "MUKAIYAMA et al. shows in Fig.1 a client device 'transmitting device' communicating with management server 'monitoring device' to check the status of the printer 'receiving device'; therefore, MUKAIYAMA et al. meets the scope limitation of 'transmitting apparatus in which a memory is configured to store status information of the receiving apparatus'".

Applicant respectfully traverses the Examiner's assertion, submitting that MUKAIYAMA et al. do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Rather, Applicant submits that, in MUKAIYAMA et al., client device 10 access management server 20 to transmit the device-detailed screen request when a user of the client device 30 selects the printing device 10 in the device list page for monitoring the operation status of the printing device 10 (see, for example, col.5 lines 35-54 and col.9, lines 48-57).

On the other hand, the present invention is directed to a transmitting machine which comprises a memory configured to store status information of the receiving apparatus. The transmitting apparatus checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before)

transmitting the transmitting data to the receiving machine. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that MUKAIYAMA et al. do not contain any disclosure about at least this features of the present invention, nor is at least this feature suggested by the applied art. Thus, Applicant submits that the present invention is clearly distinguished over MUKAIYAMA et al.

In this regard, the Examiner asserts in the Official Action mailed on October 19, 2005 that MUKAIYAMA discloses a control panel that enable the user to check the status of a printing device (col.6, lines 8-26). Applicant submits that this recitation portion pertains to Fig.3, which relates to the printer device 10, and thus, control panel 120 that is a component of the printer device 10. In MUKAIYAMA, the client device 30 checks the status of the printing device 10. On the other hand, Applicant submits that the present invention relates to a transmitting apparatus that checks the status information of the receiving apparatus, e.g., the client device 30 of MUKAIYAMA is associated with the transmitting apparatus of the present invention. Applicant submits that this differs from MUKAIYAMA and, further that the recitation portion (col.6, lines 8-26) does not contain any disclosure regarding the combination of features recited in the pending claims.

In view of the above, Applicant submits that the ground for the 35 U.S.C. §102 rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, and 28 under 35 U.S.C. §103(a), Applicant submits that AMIT et al. fail to disclose that which is lacking in MUKAIYAMA et al. AMIT et al. is directed to a facsimile gateway that receives facsimile messages from originating fax machine 22A via a conventional PSTN 30, processes the facsimile messages to provide data that is sent to packet-based network 26, and routes the data over the packet-based network 26. In setting forth the rejection, the Examiner asserts that "AMIT teaches the transmission of IP packets from a transmission party fax to a receiving party fax over a network".

However, Applicant submits that claims 22, 25, 27, and 28 are directed to an Internet facsimile apparatus. Applicant submits that AMIT et al. is directed to an originating facsimile machine 22A and receiving facsimile machine 22B that communicate over conventional PSTNs 24 and 30. Applicant submits that AMIT et al. merely disclose a conventional facsimile machine, and not an Internet facsimile apparatus, as taught in Applicant's claimed invention.

Further, Applicant submits that AMIT et al. merely disclose a facsimile gateway 20A that is connected to a conventional PSTN 30 and packet-based network 26, and which converts facsimile messages that are received from the conventional PSTN 30 into the data that is sent to packet-based network 26.

Applicant submits that the facsimile gateway 20 A of AMIT et al. is not an Internet facsimile apparatus, but merely a gateway which is connected to a facsimile machine via conventional PSTN 24. Thus, Applicant submits that AMIT et al. do not

P21060.A05

disclose (or even suggest) an Internet facsimile apparatus, as taught by Applicant's invention.

Furthermore, Applicant submits that AMIT et al. do not disclose a transmitting apparatus which comprises a memory configured to store the status information of the receiving apparatus. AMIT et al. also fails to disclose (or suggest) a transmitting apparatus that checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Applicant submits that AMIT et al. do not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Further, AMIT et al. also does not disclose or suggest checking status information of a receiving apparatus stored in the memory without accessing a monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and for notifying a user of the transmitting machine of the status information prior to transmitting the transmitting data to the receiving machine. Thus, Applicant submits that AMIT et al. fail to disclose that which is lacking in MUKAIYAMA et al.

Accordingly, Applicant submits that even if one attempted to combine the teaching of MUKAIYAMA et al. with AMIT et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus which stores the status information of the receiving apparatus, checking the status information of the receiving

P21060.A05

apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifying the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of transmitting data to the receiving apparatus.

Therefore, Applicant submits that the suggested combination of MUKAIYAMA et al. and AMIT et al. does not render the presently claimed invention obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection be withdrawn.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

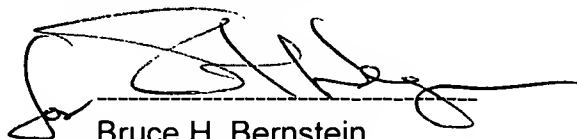


**SUMMARY AND CONCLUSION**

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant did not amend the rejected claims for re-consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', written over a horizontal line.

Bruce H. Bernstein  
Reg. No. 29,027

Steven Wegman  
Reg. No. 31,438

January 17, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191